

## **CITY OF WALTHAM**

### **BOARD OF SURVEY AND PLANNING**

The following are minutes of the 7:00 p.m., June 1, 2011 Board of Survey and Planning meeting held in the Auditorium of the Arthur Clark Government Center located at 119 School Street, Waltham, MA. In attendance were Chairman Creonte and members Barrett, Callahan, DeVito Duffy, Moroney and Tarallo.

The Chairman opened the Public Hearing and immediately closed it and called for an Executive Meeting.

The Board Members relocated to another room for the Executive meeting.

At 8:20 p.m. the Chairman reopened the public hearing.

The Clerk read the first item on the agenda which was for a Special Permit for Curb Cuts located at 36 River Street and Farwell Street. The Board must act on this petition by June 15, 2011.

Attorney Philip B. McCourt of 15 Church Street, came forward to address the Board on this petition. At the previous meeting the Board had asked to see three different options as discussed at the previous meeting.

These options were option 1 page CC-6, option 2 page CC-14 and option 3 CC-15. All these options were discussed.

After discussions the Chairman asked if there was a motion.

On the motion of Mr. Barrett, seconded by Mr. DeVito, the Board

**VOTED: to approve the Special Permit at 36  
River Street for Curb Cuts on River  
Street and  
Farwell Street on the basis of the  
modifications illustrated on drawing  
CC-14, Option # 2 revised on  
5/25/2011.**

The Clerk read the next item on the agenda which for a Definitive Subdivision at 110 Bear Hill Road. The Board must act on this petition by June 15, 2011.

Attorney Robert M. Schlein of 100 Cambridge Street, Boston, MA came forward representing the petitioner.

He informed the Board that since they are currently in litigation regarding a denied special permit for the requested curb cut on Main Street for this subdivision that they would like to continue this to the September meeting and to extend the Time to Act until September 15, 2011 to allow time to see what happens at the Land Court on June 20<sup>th</sup>.

There were brief discussions on this request.  
The Chairman then asked if there was a motion.

On the motion of Mr. Barrett, seconded by Mr. Devito, the Board

**VOTED: to continue the petition for a Definitive Subdivision at 110 Bear Hill Road at their next meeting of September 7, 2011 and to extend the Time to Act on this petition until September 15, 2011 and to also have a complete report submitted of the site work from M.W.H.**

The Clerk read the next item on the agenda which was for a Utility and Profile Plan water and sewer extension and road construction at Lot 12 and 546-550 Braemore Road. The Board must act on this petition by September 15, 2011.

Ms. Tarallo reclused herself from this petition.

Attorney Philip B. McCourt and Curtis Beaton came forward to address the Board on this petition. Mr. Beaton reviewed the modifications to the water and sewer line location and drainage from Sachem Street to Marivista Avenue. He also reviewed the addendum sheet showing the widening of the pavement as requested. Per the Chairman's request he reviewed all the Engineering Departments comments and his responses to those comments. He also commented that Mr. Putnam does not agree with any of the waivers and said that it is up to the Board to accept waivers not the Engineering Department

There were brief discussions and then the Chairman opened the meeting to the Board.

Mr. Duffy asked if Trimount Ave. will be paved up to Marivista Ave. and will it be done to City standards?

Mr. Beaton said that they will be paving starting at Braemore Road up to Trimount Ave and up to the cul-de-sac. He will be using a 2-inch binder road base and 1 ½ finish coat.

Mr. Duffy asked if crushed stone would be placed under the binder.

Mr. Beaton responded, "Yes".

There were brief discussions on curbing and Mr. Beaton stated that they will be installing the curbing exactly like they did for Sachem Street, and that it is more cost efficient and easier to plow.

Ms. Callahan asked for a review on the plan regarding why they can't loop the water main as suggested by the Fire Department and the Engineering Department.

Mr. Beaton reviewed his proposed roadway design. He added that it won't be long before an abutter comes in to extend the road and tie into his extension. He said there would be no difference in water pressure or water quality with his proposed design. He then reviewed the proposed hydrant.

Mr. DeVito asked how he could consider constructing without the water loop.

Mr. Beaton said that many roads have been built this way all over the City and there have been no problems. There were discussions on the proposed water lines.

Dr. Chiang came forward to discuss the water line, the pressure of the water pipe and water looping.

Mr. Moroney commented that the City is saying the water has to be looped.

Dr. Chiang said that they do not agree with Mr. Putnam and it is the Boards purview to approve without the looping.

There were discussions on the sewer lines and the proposed drainage.

The Chairman asked if they will be blasting at the site.

Mr. Beaton said that at this time they are not sure if blasting will be needed.

The Chairman asked how many lots are there now.

Mr. Beaton said there are four old lots.

Mr. Duffy asked if there was ever a pressure test done.

Mr. Beaton said that there was years ago when the Sachem Street Subdivision was before the Board.

Mr. Duffy commented that the dead end hydrant would offer good relief.

The Chairman then closed that part of the hearing and opened the meeting to the public. He asked if there was anyone that would like to come forward in favor of this petition. There being none he closed that part of the hearing and opened it to any one that would like to speak in opposition to this petition.

Mr. Frank Alden of 719 Hosmer Street, Marlboro, MA came forward to address the Board. He owns lots on Balm Ave and Braemore Road which are shown on the plans; he reviewed these with the Board. He has three primary reasons why he is opposed to this project. The first is he believes the plan Mr. Beaton proposes is a substandard road and utilities. The second reason is that there are waivers being requested for standard road construction that are detrimental to his property. And third is that this plan may make it impossible for him to develop his own land.

He claims his family has been told for the last fifty years that they could not build a single house on their property unless the entry roads and utilities are brought up to current day standards. The City Engineering Department has written memos about this proposal and list various improvements necessary for this road. He agrees with all those points submitted by engineering, especially updating the 6-inch water line to an 8-inch water line. He also feels that there will be a drainage issue on the newly paved street. He is opposed to this plan as designed. He wants to see a plan that shows the road built to comply with City standards. He would like the road constructed to code so that all the abutters would have the opportunity to connect to it.

Mr. Barrett asked Mr. Alden if he ever tried to develop his property.

Mr. Alden said no, but had gone to the City Engineer's office and was told how the road would have to be built.

Mr. Barrett then said that what you are claiming today is just an assumption.

Mr. Duffy asked Mr. Alden how many lots he had.

Mr. Alden answered that he had one lot on Braemore Road and two lots on Balm Ave. His cousin has three lots on Braemore Road.

The Chairman then suggested that he, his cousins and Mr. Beaton should get together and build a road together that is best for all the lots. He also stated that it really isn't fair to have this developer that is before the Board with this petition build a road for everyone's use and suggest that they all get together.

City Councillor Edmund Tarallo of 52 Montview Ave, Waltham, MA came forward to address the Board in opposition of this petition. He said that he had not received a copy of the newest comments submitted by the Engineering Department and just briefly reviewed them so his comments were not based on the Engineering comments. He went back to his points made at the last meeting. It is critical that this Board considers in any proposed development that a road is the

beginning not the end. This development should set the tone as to a road. He has not waived on that and hopes the Board doesn't waive on that. The Board should not look at this development as just a two or three lot development. They need to view it for future area development as well. The board has to remember that this area is not pristine and hasn't always been built to city standards. Keeping that in mind it is clear that this area may not always be built to city standards and all the requirements of the Rules and Regulations, but there are some things that are necessary. It's this Board's responsibility to see that those standards are upheld.

He reviewed the plans and the materials and has a number of comments. One point on the plan is that there does seem to be some inconsistencies. If the Board wants something added to this plan then the Board needs to be specific and they should do it with conditions so that no one is ever unclear of what the intent was. If you believe that there should be an 8-inch water line at the intersections of Trimount to the end of the proposed temporary cul-de-sac then state it. Don't just go with a plan that might or might not show it and may be misinterpreted later on. Be clear on what you are approving so that we all know what it is, so that if you have to add fifteen conditions then do so but the plan needs to be clear. This is a base document that will be used to move forward.

He then went over some deficiencies on the plan that he had seen to date that need to be addressed. I know you have all spent a lot of time discussing the water. He certainly agreed that if you look at the waterline as it presently exists there is an 8-inch water line in close proximity. The only area that does not have an 8-inch line at the present time is the beginning of this street that has two houses presently there. But we already talked about the fact that that this road is going to be improved with the new paving because it's basically a dirt road. This is the beginning of whatever development goes forward and thought it would be critical that an eight-inch line be continued all the way up the street. Now if you do that whether or not it's looped, is not as important as the 8-inch line. He agreed with Mr. Moroney that you need an 8-inch to go with the 8-inch currently there. The eight inch would then feed into other future development in the area if it ever occurred. The only concern he had with the looping is the point that Mr. Alden made if there is any point where the connection doesn't allow future looping, then he felt that it needs to be addressed by the Board. But, again it's a temporary cul-de-sac, which potentially could have future development and he believed if you continue the road and you're not restricted by looping then it could be looped at that time. We do have roads now that do not have looping. The roads that have no looping have hydrants at the end so that you can have flush-outs. He thought it is important to at least have that 8-inch water line, so that we all understand that we would have what is necessary. The hydrant is a fine idea but he had no idea where the hydrant is prior to that. If that hydrant is too far away in from the one at the end then there may be a need to have one closer to the beginning of the roadway as well, he did not think that issue should be lost in the discussion. The roadway should at least have a stub to allow for possible future development and felt that this was very important.

He then discussed the roadway itself. He would like to see a 24-foot wide roadway from the intersection of Trimount to the end of the cul-de-sac. One of his major concerns is with drainage. He was pleased that the drainage now goes over what is proposed, and he

knew that they had used Dr. Chiang's documents as the base but he would like to point out a couple of things that are in those documents and statement he has made. If you look at his report it says at the top of the page, "Storm Runoff Drainage Analysis and Design", sheet number six. It starts with street drainage analysis and drain pipe size, and then it says Braemore Road manhole 1 to manhole 2. If you look at that particular sheet you will note with his analysis, and assuming that it is correct, he designs the drainage system in these drawing with a high point 200-feet and then 180-feet down to Sachem Street. But if you look closely at the drawing it shows two catch basins at the bottom of Sachem, two catch basins at the 200 –foot point. If you take a look at the plans, that have been submitted, those catch basins don't appear. So if we are going to follow a study then it should match up to the proposed plan; that only makes logical sense. So it was his suggestion that when you take a look at that and if you look at the plan that is located on sheet three, you can see that there is a drainage manhole located at the end of the proposed cul-de-sac and believes that this was close to what is listed in Dr. Chiang's report of where the two catch basins would need to be. He reviewed all locations where they would need to be shown on the plan. That would work for the drainage in that area.

A further report from Dr. Chiang dated May 19, 2011 to this Board  
On the cover sheet of that report, he has a May 17<sup>th</sup> letter and it says four things. He went over those comments; the existing drain system is adequate to carry storm runoff out of this area. Drain lines have more than adequate capacity, but the drain line between catch basin and manhole were partially filled with sedimentation and should be cleaned out. Drain lines capacity calculation and analysis are attached herewith. The report then goes onto to discuss the grading of Trimount Ave, the proposed paving off Braemore Road and the manhole at Marivista Ave. If the Board is going to take his word on the drainage then you need to impose the four conditions that he states, to clean the lines and make sure that everything is working properly, to make sure he puts in the curbing and the catch basins where he says he will, and that these items are part of your Decision if you are to make a decision in this case. Those four conditions are necessary.

Then he reviewed the comments submitted by the City Engineer dated May 10, 2011. He started with comment number three that states that all catch basins are to have sumps with a minimum of 4 feet, not 3.5 feet as shown on the detail plan. The next item he discussed was comment number four regarding the vertical curve. If they are going to develop an area of a community they need to have whatever engineering documentation is required for the future development of this and all other areas. If you don't then how do you really know what you are approving to be built. He talks about item number five there is no walk shown from Trimount Ave. to Balsam Street and that walks are on one side only. It should be shown from Trimount down to the proposed cul-de-sac. He then discussed the sixth comment which had to do with sloped granite curbing. He didn't have an issue with the proposed curbing as presented. He also agrees with the developer's response in number one that a covenant and/ or bond is required after approval and before endorsement.

The last concern he has was with the proposed lots themselves. They have revised the plans to what He had said originally. They can be further divided in some future date but that is not what you are being asked to approve. The Board needs to be clear on what they are approving. The Board is approving the utilities and roadway and what length that is which is at the end of the temporary cul-de-sac and not a smidgen more. The Board must be clear on any approval that is properly shown and stated in the Decision.

He thanked the Board for listening.

Mr. Moroney asked if he would submit in writing all his comments so the Engineering Department could review them.

Mr. Tarallo also mentioned the Engineering comments of having the drainage pipe 15-inches and he agreed with that as well.

The Chairman thanked Mr. Tarallo for his comments and believed a lot of work still needs to be done with this plan.

He suggested a motion to continue this petition at this time.

On the motion of Ms. Callahan, seconded by Mr. DeVito, the Board

**VOTED:      to continue the petition for a  
Special Permit for a Water, Sewer,  
Drain & Road Extension for Lots  
12 and 546-550 Braemore Road to  
their next meeting of September 7,  
2011 to allow the petitioner time to  
take all the Board's the  
Engineering Departments  
comments into consideration and  
revise the plan for the next  
meeting.**

The Clerk read the next item on the agenda which was for a Definitive Subdivision for 9 Hope Ave. The Board must act on this petition by June 8, 2011.

Attorney Robert Connors Jr. of 6 Lexington Street, Waltham, MA came forward to address the Board. He reviewed the site view visit that was held on May 17<sup>th</sup>. He also reviewed the comments from the Engineering Department and had responded to all these comments and made revisions to the plan showing everything discussed. He reviewed the revised cul-de-sac and the frontage of the site. They were asking for no waivers from the Board and were confident that this plan meets all the requirements of this Board.

The Chairman then opened the meeting to the members for questions.

Mr. Duffy asked if there were any plans to close the current garage and relocate it.

Mr. Connors replied, "No, the garage will remain at its current location.

Ms. Callahan asked if the radiation department would be renewing their lease.

Mr. Connors said it would be closing and that a Wellness Center would be going in its place.

Ms. Callahan asked if the Newton Wellesley Urgent Care would remain.

Mr. Connors replied, "Yes it will remain there".

Ms. Callahan commented that with over eighty-five thousand visits to this property a year that there was a lot of traffic and asked what the status was with the proposed traffic light.

Mr. Connors said that the traffic light is currently before the Traffic Commission and that money has been donated to the City from the petitioner for the cost of the installation.

There were brief discussions on the drainage on this property.

There being no further questions from the Board the Chairman asked if there was a motion.

On the motion of Mr. Barrett, seconded by Mr. Moroney, the Board

**VOTED:       to approve the Definitive  
Subdivision plan for 9 Hope Ave,  
Waltham, MA submitted by CHB  
Properties, Inc. dated January 28,  
2011 and revised June 1, 2011.**

The Chairman then closed the public hearing and opened the regular meeting.

The Clerk read the first item on the agenda which was for a request of an extension of time for the road extension at Rock Lane formally known as 305 Bacon Street.

Attorney Philip B. McCourt came forward to address the Board on this request.

He informed the members that the road should be complete within the next 6 to 8 weeks but needed the extension since the time to complete was prior to that expected date.



There were brief discussions on the binder and curbs being used at this site.

The Chairman then asked if there was a motion.

On the motion of Mr. Barrett, seconded by Mr. Duffy, the Board

**VOTED: to accept the request of a One-Year  
Extension of Time to construct the  
subdivision road for Rock Lane formerly  
know as 305 Bacon Street until  
June 2, 2012.**

The Clerk read the next item on the agenda which was for a request for a modification to an existing Covenant at Rock Lane Subdivision formerly known as 305 Bacon Street, Waltham, MA.

Attorney Philip B. McCourt came forward to address the Board on this matter. Mr. McCourt informed the Board that the Developer is requesting for the Board to release Lot 2 of the subdivision. The modification to the Covenant would read;

“That in relation to condition number 2 of the covenant, the portion which states that the owner shall not... “erect or place any permanent building on any lot except to allow the construction/relocation of one single family house on Lot 5 and Lot 4. Said two (2) home construction permits to be issued only to the owner of the entire subdivision and not to be conveyed individually unless and until the road construction is completed and approved or until a bond is approved to insure the completion of said road.”  
He mentioned there will be no sale until the posting of the Bond.

The Chairman then asked the members if they had any questions.

Ms. Callahan commented that she does not want the Board to set a precedent of allowing the release of Lots prior to roadways being completed.

Ms. Tarallo commented she does not want to see another house built until the road is complete.

Mr. McCourt commented that they will not build on it and they will be clear in the covenant that they can not sell the Lot.

Ms. Tarallo asked if the Board could get an opinion from the Law Department on this.

Ms. Deveney said she would request an opinion from the Law Department.

Mr. Moroney commented that this entire subdivision does not have a good history and that the Board already agreed to let them build one house.

Mr. Howard Rock, the Developer came forward and said that the house was the one he was going to build for his daughter. However that did not happen and now the lot is under agreement and they need to apply for the building permits to complete the sale.

Mr. Moroney asked if the road would be complete by September.

Mr. Rock replied, "Yes, they are currently having the gas line installed and are obtaining the water and sewer permits as well."

The Chairman suggested that the language in the modified covenant clearly state that this release of the Lot is just for permitting and there will be no building commencing until the road is complete and a Bond has been posted.

Mr. McCourt will modify the draft Covenant to include that language.

The Chairman asked if there was a motion.

**Mr. Duffy made a motion to allow the petitioner to amend the existing Covenant building permitting only, for two (2) Lots with the understanding that no construction what so ever will commence until this Board releases the Covenant and with completion of the roadway with all utilities is completed and approved or until a bond is approved to insure the completion of said road.**

**Mr. Barrett seconded the motion.**

**The Chairman called for a roll call.**

**ROLL CALL:**

<b>Mr. John Duffy</b>	<b>YES</b>
<b>Mr. Justin Barrett</b>	<b>YES</b>
<b>Ms. Kathleen A. Callahan</b>	<b>NO</b>
<b>Ms. Mila R. Tarallo</b>	<b>NO</b>
<b>Mr. S. Anthony DeVito</b>	<b>YES</b>
<b>Mr. Brian E. Moroney</b>	<b>YES</b>
<b>Mr. William M. Creonte, Jr.</b>	<b>YES</b>

The vote being five in favor and two opposed the motion passed.

The Clerk read the next item on the agenda which was for the approval of the minutes submitted for the May 4, 2011 meeting.

Ms. Callahan pointed out an error on page 4 and asked the Secretary to amend.

On the motion of Mr. Barrett, second by Mr. Moroney, the Board

**VOTED:**      to accept the minutes to the meeting of  
May 4, 2011 with the correction on page 4  
as requested by Ms. Callahan.

There being no further business the Chairman asked if there was a motion to adjourn.  
On the motion of Mr. Barrett, seconded by Mr. Moroney, the Board

**VOTED:**      to adjourn at 11:36 p.m.

Respectfully submitted,



Stewart J. LaCrosse, Jr.  
Clerk of the Board

SJL/jed